25

26

27

28

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD BAIR,	) No. C 08-1289 JSW (PR)
Petitioner,	) ORDER OF TRANSFER
VS.	ORDER OF TRANSFER
CLAUDE FINN,	) ) (Docket No. 2)
Respondent.	) (Docket No. 2)
	/

Petitioner is a state prisoner currently incarcerated at the Deuel Vocational Institute ("DVI") in Tracy, California, within the venue of the United States District Court for the Eastern District of California. On July 26, 2007, Petitioner filed this petition regarding his parole hearing before the Board of Prison Terms.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. See id. However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989).

Petitioner's claims are directed to the execution of sentence, in that they involve the failure of the Board to find Petitioner suitable for parole. Therefore, this Court will

transfer this action to the United States District Court for the Eastern District of California. Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court for the Eastern District of California.

As Petitioner has paid his filing fee, the application to proceed in forma pauperis (docket no. 2) is DENIED as moot.

The Clerk of the Court shall transfer this matter forthwith and terminate docket no. 2 from this Court's docket.

IT IS SO ORDERED.

DATED: May 8, 2008

JEFFREY S. WHITE United States District Judge

1	UNITED STATES DISTRICT COURT	
2	FOR THE	
3	NORTHERN DISTRICT OF CALIFORNIA	
4		
5		
6	CLIFFORD BAIR, Case Number: CV08-01289 JSW	
7	Plaintiff, CERTIFICATE OF SERVICE	
8	V.	
9	CLAUDE FINN et al,	
10	Defendant.	
11		
12	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.	
13	That on May 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.	
14		
15	receptable focated in the Clerk's office.	
16 17		
18	Clifford Bair C95079	
19	P.O. Box 20	
20	Tracy, CA 95378-0600  Dated: May 8, 2008  Changles Ottobar	
21	Richard W. Wieking, Clerk	
22	By: Jennifer Ottolini, Deputy Clerk	
23		
24		
25		
26		
27		
28		